

RUMSON ZONING BOARD
JANUARY 15, 2019
MINUTES

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Mr. Brodsky, Mrs. Kirkpatrick, Mr. Shissias, Mrs. Carras, Mr. Blum, Mr. Torcivia, Mr. Hofferber, Mr. Duddy
Absent: None

Also present: Bernard Reilly, Esq., Fred Andre' and State Shorthand Reporting Services.

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre', the Borough Zoning Officer was sworn in.

Mr. Reilly administered the Oath to the following Board Members: Mr. Shissias as Alternate #1, Mrs. Carras and Mrs. Kirkpatrick as Members on the 2019 Zoning Board.

Mr. Reilly conducted the 2019 Reorganization of the Zoning Board with the following results: Mr. Duddy nominated Mr. Brodsky for the Chairman position; Seconded by Mr. Blum. By a unanimous vote Mr. Brodsky is the 2019 Chairman of the Zoning Board.

Mr. Blum nominated Mr. Duddy for the Vice Chairman position; Seconded by Mr. Torcivia. By a unanimous vote Mr. Duddy is the 2019 Vice Chairman of the Zoning Board.

Mrs. Kirkpatrick made a motion approving the Resolution appointing Mr. Reilly as the Zoning Board Attorney; Seconded by Mr. Hofferber.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Kirkpatrick, Mr. Shissias, Mrs. Carras, Mr. Blum, Mr. Torcivia, Mr. Hofferber, Mr. Duddy

Nays: None

Mr. Torcivia made a motion approving the Resolution appointing T&M Associates as the Zoning Board Engineer; Seconded by Mr. Shissias.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Kirkpatrick, Mr. Shissias, Mrs. Carras, Mr. Torcivia, Mr. Hofferber, Mr. Duddy

Nays: None

Abstain: Mr. Blum

Chairman Brodsky asked for a review of the 2019 Meeting Schedule. After review and discussion Mrs. Kirkpatrick made a motion to accept the 2019 Meeting Schedule as submitted; Seconded by Mrs. Carras. By voice vote the 2019 Meeting Schedule is approved.

Chairman Brodsky announced that the continued application of Sean and Murielle Walsh for property located at 14 Rosalie Avenue be presented for the Board's consideration. V. David Shaheen, Esquire representing the

applicants addressed the Board. Mr. Shaheen stated that the applicants have revised the plans attempting to minimize the Board's concerns expressed at the last meeting. Mr. Shaheen introduced Paul Damiano, the project architect, who was sworn at the last meeting and remains under oath. Mr. Damiano explained that the revised plans reflect less impact to the street moving the second-floor addition to the rear of the home, adding 163 square feet to create a bedroom and converts the existing study to a bath/closet, and retaining the first-floor garage addition of 27 square feet to accommodate two cars. The new construction will increase the non-conformity in Maximum Building Coverage where 2,782 square feet is existing, 2,809 square feet is being proposed and 1,975 square feet is permitted. The revised plans will also increase the Maximum Floor Area to 3,543 square feet where the existing is 3,353 square feet and 3,308 square feet is permitted.

Chairman Brodsky opens the application for public comments and/or questions. There being none the public portion is closed.

After further review and discussion Chairman Brodsky asked the pleasure of the Board. Mr. Hofferber made a motion to approve the application as revised; Seconded by Mr. Duddy.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Carras, Mr. Blum, Mr. Torcivia, Mr. Hofferber, Mr. Duddy

Nays: None

Abstain: Mrs. Kirkpatrick, Mr. Shissias

Chairman Brodsky announced the carried application of Marino Mazzei for property located at 3 Hill Pond Lane be presented for the Board's consideration. Marino Mazzei, the property owner, was sworn in and asked to have his architect, Peter English, represent him. Mr. English was sworn in and testified that the proposal is to construct a one-story, unheated cabana and remove the existing non-conforming front entrance driveway piers at the existing premises. The property is currently non-conforming in several areas and the new construction will increase the Maximum Building Coverage to 8,106 square feet, Maximum Floor Area to 13,347 square feet, and create non-conformity in the Maximum Lot Coverage to 18,516 square feet. Mr. English explained that the property is 2.57 acres in total containing approximately 30,000 square feet of Fresh Water Wetlands, which restricts the amount of buildable property.

Henry Freidel, a neighboring property owner, was sworn in. Mr. Freidel described the subject property and the surrounding conditions.

After review and discussion Board Members advised that they felt the testimony was lacking any justification for the grant of the special-reasons variance being requested. The applicant requested the Board carry the application in order to provide further testimony and/or submit revised plans. Mr. Reilly announced that the application will be carried to February 19, 2019 meeting without further notice.

Chairman Brodsky announced that the application of David and Rebecca Leckstein for property located at 86 Rumson Road be presented for the Board's consideration. Michael R. Leckstein, Esquire, representing the

applicants addressed the Board. Mr. Leckstein stated that the proposal is to remove the existing in-ground pool and patio, remove the kitchen, mudroom, family room and attached three-car garage, which will be reconstructed. The applicants propose to construct a new detached, one-story six-car garage in the front yard at the premises. The existing residence is nonconforming in side setbacks and is three stories, where two and a half stories is permitted. The new construction will create nonconformity in having an accessory building located in the front yard with the ground floor area exceeding the 30% of the ground floor area of the principal building. Mr. Leckstein supplied the Board with the history of the residence and the property.

The following exhibits were submitted for the Board's review: A-1 Photoboard consisting of four photographs; A-2 Rendering of front renovations; A-3 Existing conditions; A-4 Enlarged Postcard; A-5 West Elevation; A-6 East Elevation; A-7 North Elevation; A-8 Proposed Garage; A-9 Aerial Photograph (North Ward Avenue); A-10 Aerial Photograph (Metcalf Estate); A-11 Photograph (86 Rumson Road); A-12 Photograph (99 Rumson Road); A-13 Planning Handout; A-14 Santry Survey; A-15 Potential Landscape Plan.

Mr. Leckstein introduced his son, David Leckstein, the property owner. David Leckstein was sworn in and testified that the reason behind the proposal is to restore and upgrade the home and to store a collection of antique cars.

Mr. Leckstein introduced James Anderson, a New Jersey licensed architect. Mr. Anderson was sworn in and the Board accepted his credentials. Mr. Anderson described the details of the renovations and architectural design of the project.

Mr. Leckstein introduced Peter G. Steck, a New Jersey licensed planner. Mr. Steck was sworn in and the Board accepted his credentials. Mr. Steck explained the handout he supplied for the Board's consideration. Mr. Steck explained that the relief that is being sought could be justified by a combination of a C-1 hardship, practical difficulties argument; or a C-2 where the benefits substantially outweigh the detriments. The C-1 mostly applies to the additions to the home itself. In that the property is irregularly and uniquely shaped and the existing home intrudes into the rear yard currently. Land Use purposes C, I and J can be applied to the justification that the benefits substantially outweigh any detriments.

Board Members expressed their concerns with the size, height and location of the new six-car garage, the number and style of the garage doors, and requested more detailed testimony on the existing specimen trees on the property.

Chairman Brodsky opened the application for public comments and/or questions. Frank Karlinski, residing at 84 Rumson Road, was sworn in. Mr. Karlinski spoke in favor of the application as presented.

Mr. Leckstein suggested that the application be carried in order to take the Board concerns into consideration and perhaps revisit the proposal as

submitted. Mr. Reilly announced that the application will be carried to the February 19, 2019 meeting without further notice.

Chairman Brodsky asked that the application of Andrew and Anne Pecora for property located at 31 Shrewsbury Drive be presented to the Board. Jennifer S. Krimko, Esquire representing the applicants addressed the Board. Ms. Krimko submitted the following exhibits for the Board's consideration: A-1 Plot Plan dated 11/27/18; A-2 Aerial of the subject property; A-3 2 Photographs of the carriage house; A-4 HPC Agreement (email).

Ms. Krimko stated that the February 21, 2017 Resolution contained a condition that the guest house located in the front yard would be used as a residence during construction and then razed upon completion of the new residence. Information has been discovered that the carriage house is 106 years old and the Historic Preservation Commission is adding the structure to the registry of 100-year-old houses. The application is really looking to preserve the structure rather than raze it. Ms. Krimko introduced Dr. Andrew Pecora, the property owner. Dr. Pecora was sworn in and testified before the Board.

Dr. Pecora stated that after hearing that the carriage house was going to be razed, neighbors expressed concern that the structure has been there forever. Mrs. Pecora went to the Monmouth County Historic Society and discovered that it was built in 1916. The Pecoras felt uncomfortable about tearing it down and decided to come before the Board to request that it be preserved.

Ms. Krimko explained that the property always had two residences on it. The Pecoras do not plan on using the structure as a residence but simply to preserve the structure. The setback is consistent with the front yard setbacks of surrounding properties. Retaining the structure will have no impact from a drainage prospective. There's no impact on light, air and open space. By eliminating the kitchen there will no use variance. The property will remain in an estate-like setting. There will be no detriment to the neighborhood, the Master Plan or the zoning ordinance.

Ms. Krimko introduced Tim Britton, a builder. Mr. Britton was sworn in. Mr. Britton stated that when he did an inspection of the structure and found that the walls are terracotta, the moldings are original. There's a lot of character to the structure.

Board Members expressed concerns with the amount of relief that was granted for the new residence and conditioned the Resolution on the carriage house being removed after construction was completed. The new residence, although beautiful, does not resemble the carriage house in any way. The opportunity to preserve this structure was before the house was built.

Chairman Brodsky opened the application for public comments and/or questions. There being none, the public portion was closed.

After Board discussion, Chairman Brodsky asked the pleasure of the Board.

Mr. Hofferber made a motion to approve the application; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Mrs. Carras, Mr. Hofferber

Nays: Chairman Brodsky, Mrs. Kirkpatrick, Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Duddy

Motion failed. Mr. Duddy made a motion to deny the application as presented; Seconded by Chairman Brodsky.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Kirkpatrick, Mr. Shissias, Mr. Blum, Mr. Torcivia, Mr. Duddy

Nays: Mrs. Carras, Mr. Hofferber

Chairman Brodsky asked for comments on the December 18, 2018 Zoning Board Minutes. Mr. Blum made a motion to approve the Minutes with a minor correction; Seconded by Mr. Hofferber. By voice vote the December 18, 2018 Minutes were approved with Mrs. Kirkpatrick and Mr. Shissias abstaining from the vote.

There being no further business before the Board, the meeting was adjourned at 11:30 p.m.

The next scheduled meeting will be February 19, 2019 at 7:30 p.m.

Respectfully submitted,
Michele MacPherson